

.....  
(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

Mr. KING of New York introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

## A BILL

To amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Securing Human Intel-  
5 ligence and Enforcing Lawful Dissemination Act” or the  
6 “SHIELD Act”.

1 **SEC. 2. PENALTIES FOR DISCLOSURE OF CLASSIFIED IN-**  
2 **FORMATION RELATED TO INTELLIGENCE AC-**  
3 **TIVITIES.**

4 (a) IN GENERAL.—Subsection (a) section 798 of title  
5 18, United States Code, is amended—

6 (1) in the matter preceding paragraph (1), by  
7 inserting “or transnational threat” after “foreign  
8 government”;

9 (2) in paragraph (3), by striking “or” at the  
10 end;

11 (3) by redesignating paragraph (4) as para-  
12 graph (6); and

13 (4) by inserting after paragraph (3) the fol-  
14 lowing:

15 “(4) concerning the human intelligence activi-  
16 ties of the United States or any foreign government;

17 “(5) concerning the identity of a classified  
18 source or informant of an element of the intelligence  
19 community of the United States; or”.

20 (b) DEFINITIONS.—Subsection (b) section 798 of  
21 title 18, United States Code, is amended to read as fol-  
22 lows:

23 “(b) DEFINITIONS.—In subsection (a):

24 “(1) CIPHER, CODE, CRYPTOGRAPHIC SYS-  
25 TEM.—The terms ‘cipher’, ‘code’, and ‘cryptographic  
26 system’ include in their meanings, in addition to

1       their usual meanings, any method of secret writing  
2       and any mechanical or electrical device or method  
3       used for the purpose of disguising or concealing the  
4       contents, significance, or meanings of communica-  
5       tions.

6           “(2) CLASSIFIED INFORMATION.—The term  
7       ‘classified information’ means information which, at  
8       the time of a violation of this section, is, for reasons  
9       of national security, specifically designated by a  
10      United States Government Agency for limited or re-  
11      stricted dissemination or distribution.

12          “(3) COMMUNICATION INTELLIGENCE.—The  
13      term ‘communication intelligence’ means all proce-  
14      dures and methods used in the interception of com-  
15      munications and the obtaining of information from  
16      such communications by other than the intended re-  
17      cipients.

18          “(4) FOREIGN GOVERNMENT.—The term ‘for-  
19      eign government’ includes in its meaning any person  
20      or persons acting or purporting to act for or on be-  
21      half of any faction, party, department, agency, bu-  
22      reau, or military force of or within a foreign coun-  
23      try, or for or on behalf of any government or any  
24      person or persons purporting to act as a government

1       within a foreign country, whether or not such gov-  
2       ernment is recognized by the United States.

3           “(5) HUMAN INTELLIGENCE.—The term  
4       ‘human intelligence’ means all procedures and meth-  
5       ods employed in the collection of intelligence through  
6       human sources.

7           “(6) INFORMANT.—The term ‘informant’ has  
8       the meaning given that term in section 606 of the  
9       National Security Act of 1947 (50 U.S.C. 426).

10          “(7) INTELLIGENCE COMMUNITY.—The term  
11       ‘intelligence community’ has the meaning given that  
12       term in section 3(4) of the National Security Act of  
13       1947 (50 U.S.C. 401a(4)).

14          “(8) TRANSNATIONAL THREAT.—The term  
15       ‘transnational threat’ means—

16               “(A) any transnational activity (including  
17               international terrorism, narcotics trafficking,  
18               the proliferation of weapons of mass destruction  
19               and the delivery systems for such weapons, and  
20               organized crime) that threatens the national se-  
21               curity of the United States; or

22               “(B) any individual or group that engages  
23               in an activity referred to in subparagraph (A).

24          “(9) UNAUTHORIZED PERSON.—The term ‘un-  
25       authorized person’ means any person who, or agency

1       which, is not authorized to receive information of the  
2       categories set forth in subsection (a), by the Presi-  
3       dent, or by the head of a department or agency of  
4       the United States Government which is expressly  
5       designated by the President to engage in commu-  
6       nication intelligence or human intelligence activities  
7       for the United States.”.